**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.35891 of 2026**

**CNR No. BRHC010435292026**

Arising Out of PS. Case No.-92 Year-2025 Thana- MAJHAULIA District- West Champaran

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Sujeet Mahto @ Sujeet Kumar S/O Nandlal Mahto Resident of Vill- Harpur, Ward No-17, P.S.- Majhauliya, Dist- West Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mr. X S/O Late Mr. Y R/O Village- Harpur, Ward No. 17, P.S.- Majhauliya, Distt.- West Champarn.

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Sitesh Kashyap, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**

CAV ORDER

5 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Majhauliya P.S. Case No. 92 of 2025 corresponding to POCSO Case No. 274 of 2025 registered for the offence punishable under Sections 65(2) and 3(5) of the B.N.S., 2023 and Section 4/6 of the POCSO Act which was earlier rejected by this Court vide order dated 03.09.2025 passed in Cr. Misc. No. 38959 of 2025 with an observation that the learned trial court is directed to conclude the trial within the statutory period as provided under the POCSO Act.

3. The case of the prosecution is that the petitioner

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along with one other has committed rape with minor daughter of the informant aged about 11 years.

4. Learned counsel for the petitioner has submitted that a report was called for from the learned trial court regarding the stage of the trial, from which it transpires that, out of a total of seven witnesses, five have been examined. It has also been submitted that Section 35 of the POCSO Act provides that the Special Court shall complete the trial, as soon as possible, within a period of one year from the date of taking cognizance of the offence.

5. Learned counsel for the petitioner has further submitted that during course of the investigation medical examination of the victim was conducted and the Doctor has opined that there is no recent sign of sexual assault. Learned counsel for the petitioner has further submitted that in this case, the victim has been examined and there are certain contradictions regarding the occurrence in her cross-examination. It has also been submitted that doctor who has conducted medical examination of the victim has categorically stated that there was no sign of recent sexual assault. Moreover, the petitioner is a man of clean antecedent and is in judicial custody since 05.02.2025.

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6. Countering this, learned APP appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that, during the course of investigation, the victim's statement was recorded under Section 183 of the BNSS, wherein she supported the prosecution case and categorically stated that the petitioner and one Rangeela had committed rape upon her. Learned APP for the State has further drawn the attention of this Court to the medical report, from perusal of which it appears that the doctors found the victim's hymen to be ruptured. However, the doctor opined that there were no recent signs of sexual assault. It is submitted that the said opinion does not match with the objective findings recorded in the medical examination report.

7. Learned APP for the State has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- **'14'**, Hon'ble Apex Court has held which is being quoted hereunder:-

> *14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.*

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8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage; however, the learned trial court is directed to conclude the trial within three months, as the statutory period provided under Section 35 of the POCSO Act has already been elapsed.

9. The petitioner is at liberty to renew his prayer for bail after three months if the trial is not concluded.

10. Accordingly, the prayer for regular bail of the petitioner stands rejected.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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| **AFR/NAFR** | NAFR |
| **CAV Date** | 15.10.2026 |
| **Uploading Date** | 28.10.2026 |
| **Transmission Date** | 28.10.2026 |

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